

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

COMMODITY FUTURES TRADING )	7:05CV5026
COMMISSION, )	
)	
Plaintiff, )	<b>MEMORANDUM</b>
)	<b>AND ORDER</b>
vs. )	
)	
TODD J. DELAY, JACK )	
MCCAFFERY, and JOHN D. )	
LAWLESS, )	
)	
Defendants. )	

After consultation with counsel over the telephone on December 7, 2005, and with their agreement,

IT IS ORDERED that:

1. Plaintiff's motion for preliminary injunction (filing 6) will be deferred until the time of trial on the merits.
2. This case will require a trial to a jury on the issue of damages and a trial to the court on the issue of equitable relief. All issues will be resolved in one trial.
3. Trial on the merits is scheduled for no more than 10 trial days starting May 1, 2006 and ending May 12, 2006, in Courtroom Number 1, Lincoln, Nebraska. By agreement, the motion (filing 79) to change place of trial to Lincoln is granted.

4. This case is scheduled as the number one civil case and ahead of all other civil cases.
5. Due to the complexity of this case, Judge Piester is requested not to schedule criminal cases during this time if at all possible.
6. Further progression of this case will be handled by Judge Piester.
7. My chambers shall provide Judge Piester with a copy of this memorandum and order. My chambers shall also call to his attention the provisions of this order.

December 7, 2005.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge